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LLC; BEST BUY ENTERPRISE SERVICES, INC.;
15 BEST BUY STORES, L.P.; BESTBUY.COM,
L.L.C.; and MAGNOLIA HI-FI, INC.

16 UNITED STATES DISTRICT COURT
17
18 NORTHERN DISTRICT OF CALIFORNIA
19
20 SAN FRANCISCO DIVISION

21 IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-cv-05944-SC
MDL No. 1917

The Honorable Samuel Conti

22
23 This Document Relates to:

24 ALL DIRECT ACTION COMPLAINTS
AND DOCUMENTS

**DECLARATION OF JORDAN S. PAUL IN
SUPPORT OF DIRECT ACTION
PLAINTIFFS' MOTION TO SERVE
DEFENDANTS CHUNGHWA PICTURE
TUBES LTD., LG ELECTRONICS TAIWAN
TAIPEI CO., AND BEIJING MATSUSHITA
COLOR CRT CO., LTD. THROUGH THEIR
U.S. COUNSEL PURSUANT TO FED. R. CIV.
P. 4(f)(3)**

1 *Electrograph systems, Inc., et al., v.*
2 *Hitachi, Ltd., et al., Case No.*
3 *11-CV-01656-SC*

4 *Interbond Corporation of America, v.*
5 *Hitachi, Ltd., et al, Case No. 11-CV-06275-*
6 *SC*

7 *Office Depot, Inc., v. Hitachi, Ltd., et al.,*
8 *Case No. 11-CV-06276-SC*

9 *Costco Wholesale Corporation, v. Hitachi,*
10 *Ltd., et al., Case No. 11-CV-06397-SC*

11 *Compucom Systems, Inc., v. Hitachi, Ltd.,*
12 *et al., Case No. 11-CV-06396-SC*

13 *Alfred H. Siegel, as Trustee of the Circuit*
14 *City Stores, Inc. Liquidating Trust, v.*
15 *Hitachi, Ltd. et al., Case No. 11-CV-05502-*
16 *SC*

17 *Target Corp. et al., v. Chunghwa Pictures*
18 *Tubes, Ltd., et al., Case No. 11-CV-05514*
19 *(EDL)*

20 *John R. Stoebner, as Chapter 7 Trustee for*
21 *PBE Consumer Electronics, LLC, et al., v.*
22 *LG Electronics, Inc., et al., Case No. CV-*
23 *11-05381-SC*

24 *P.C. Richard & Son Long Island*
25 *Corporation, et al., v. Hitachi, Ltd., et al.,*
26 *Case No. 11-CV-05530 (JBW, VVP)*

27 *Schultze Agency Services, LLC, et al., v.*
28 *Hitachi, Ltd., et al., Case No. 11-CV-05529*

Target Corp., et al., v. Hitachi, Ltd., et al.,
Case No. 11-CV-05515

Best Buy Co., Inc., et al., v. Hitachi, Ltd., et
al., Case No. 11-CV-05513-SC

Hearing Date: May 15, 2012

Time: 10:00 a.m.

JAMS: Two Embarcadero Center, Suite 1500

Special Master: Hon. Charles A. Legge

DECLARATION OF JORDAN S. PAUL

I, Jordan S. Paul, hereby declare as follows:

1. I am an attorney with the law firm of Robins, Kaplan, Miller & Ciresi L.L.P., which represents Best Buy Co., Inc.; Best Buy Purchasing LLC; Best Buy Enterprise Services, Inc.; Best Buy Stores, L.P.; Bestbuy.com, L.L.C. and Magnolia Hi-Fi, Inc. (collectively, "Best Buy") in the above-captioned action (the "Best Buy Action") as well as related multidistrict litigation captioned *In re Cathode Ray Tube (CRT) Antitrust Litigation*, 3:07-cv-05944-SC (the "MDL"), currently pending in the United States District Court for the Northern District of California.

2. I am a member in good standing of the State Bar of California and admitted to practice before the United States District Court for the Northern District of California.

3. I submit this declaration in accordance with Local Rule 7-5, N.D. Cal., to set forth facts in support of the Direct Action Plaintiffs' Notice Of Motion And Motion To Serve Defendants Chunghwa Picture Tubes Ltd. ("Chunghwa"), LG Electronics Taiwan Taipei Co. ("LGETT"), and Beijing Matsushita Color CRT Co., Ltd. ("BMCC") through their U.S. Counsel Pursuant to Fed. R. Civ. P. 4(f)(3) filed concurrently herewith.

4. The matters stated herein are true to my own personal knowledge, and, if called as a witness, I could and would competently testify thereto.

5. On or about November 2011, the Direct Action Plaintiffs ("DAPs") that are signatories to the accompanying motion filed complaints (the "Complaints") in the United States District Court against various Defendants for conspiring to fix the prices of cathode ray tubes ("CRTs") in violation of Section 1 of the Sherman Antitrust Act and state antitrust and unfair competition laws. Since that time, each of these actions has been transferred or reassigned to the MDL in this matter, Docket No. 3:07-cv-05944-SC.¹

6. Chunghwa has been represented in the MDL by the law firm of Gibson, Dunn & Crutcher ("Gibson Dunn") at 555 Mission Street, San Francisco, CA 94105 since at least

¹ DAPs Electrograph Systems, Inc. and Electrograph Technologies Corp. filed their Complaint on March 10, 2011 and DAPs Target Corp., Sears Roebuck and Co., Kmart Corp., Old Comp Inc., Good Guys, Inc., and RadioShack Corp. filed their Complaint on January 6, 2012.

1 October 2010. Since that time, Gibson Dunn has repeatedly appeared as counsel for Chunghwa
 2 and provided declarations, joined in motions to file confidential documents under seal, and
 3 joined in motions for preliminary approval of indirect purchaser class action settlements. *See*
 4 Docket Nos. 891, 942, 943, and 960.

5 7. Sidley Austin LLP (“Sidley Austin”) first appeared in the MDL on behalf of
 6 LGETT on May 18, 2009. On April 29, 2010, Arnold & Porter LLP (“Arnold & Porter”) also
 7 appeared for LGETT. Since then, both law firms have appeared numerous times as counsel for
 8 LGETT, filing motions to dismiss, submitting declarations, joining motions, submitting
 9 objections to Special Master’s Rulings, and answering complaints. *See* Docket Nos. 467, 469,
 10 470, 471, 472, 479, 481, 485, 546, 553, 555, 611, 614, 667, 675, 676, 780, 781, 782, 813, 814,
 11 857, 936, 946, 987, and 1040.

12 8. Freshfields Bruckhaus Deringer US LLP (“Freshfields”) first appeared in the
 13 MDL on behalf of BMCC on July 17, 2008. (Paul Decl. ¶ 8); *See* Docket Nos. 332. Since then,
 14 Freshfields has appeared numerous times as counsel for BMCC, accepting service of process,
 15 objecting to discovery requests, filing motions to dismiss, and answering complaints. *See*
 16 Docket Nos. 372, 400, 463, 479, 485, 546, 551, 555, 614, 618, 667, 677, 678, 780, 813; 858,
 17 936, 975, and 1043.

18 9. Chunghwa, along with other defendants, was similarly uncooperative in the *In re:*
 19 *TFT-LCD (flat panel) Antitrust* Litigation, No. M:07-1827-SI (“LCD Litigation”). There, Judge
 20 Illston repeatedly and invariably issued orders granting motions to serve Chunghwa and other
 21 defendants through their U.S. counsel pursuant to Rule 4 on twenty-one occasions. *See e.g.*

- 22 • Docket No. 725;
- 23 • Docket No. 1309;
- 24 • Docket No. 1657;
- 25 • Docket No. 1779;
- 26 • Docket No. 2109;
- 27 • Docket No. 2532;
- 28 • Docket No. 2539;

- Docket No. 2584;
- Docket No. 2747;
- Docket No. 2748;
- Docket No. 2825;
- Docket No. 3079;
- Docket No. 3217;
- Docket No. 3345;
- Docket No. 3394;
- Docket No. 3443;
- Docket No. 3654;
- Docket No. 3655;
- Docket No. 4785;
- Docket No. 4797; and
- Docket No. 4798.

Attached hereto as Exhibit 1 are true and correct copies of Judge Illston's Orders granting motions to serve Chunghwa and other defendants through their U.S. counsel.

10. The DAPs have communicated with the Defendants through Defendants' interim liaison counsel, Jeffrey Kessler. Mr. Kessler indicated that he was in contact with counsel for Chunghwa, LGETT, and BMCC but none of these entities would agree to service through their U.S. counsel.

11. In a stipulation filed with the Court on March 15, 2012, seventeen Defendants stipulated to the waiver of service of process of the DAPs' Complaints. Neither Chunghwa, LGETT, nor BMCC joined in the stipulation, and their U.S. counsel have since refused to accept service despite Best Buy's additional subsequent requests.

12. Attached hereto as Exhibit 2 is a true and correct copy of the estimate that Legal Language Service ("LLS") has provided the DAPs regarding the costs of serving the Complaints and associated documents on Chunghwa, LGETT, and BMCC in Taiwan and China via the letter rogatory process and under the Hague Convention (the "LLS Estimate").

13. According to the LLS Estimate, it would cost around \$214,000 to translate into Chinese, process, and serve the Complaints and other associated documents on Chunghwa and LGTT and would cost approximately \$53,000 to translate, process, and serve the Complaints on BMCC.

14. According to the LLS Estimate, service of the Complaint and other associated documents on Chunghwa and LGETT by the letter rogatory process could take at least six to nine months to complete and up to eight months under the Hague Convention for BMCC.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 10th day of April, 2012, in Los Angeles, California.

Jordan S. Paul